

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

RODNEY COLLINS,	:	CIVIL ACTION
	:	
Petitioner,	:	
	:	
v.	:	NO. 10-5950
	:	
JEFFREY BEARD, et al.,	:	
	:	
Respondents.	:	

ORDER

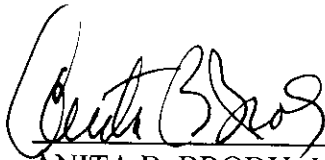
AND NOW, this 1st day of August, 2012, upon careful and independent consideration of the petition for writ of habeas corpus, the parties' briefs, United States Magistrate Judge David R. Strawbridge's Report and Recommendation, and petitioner's objections to the Report and Recommendation, it is **ORDERED** that:

(1) The Report and Recommendation is **APPROVED** and **ADOPTED** as to the outcome and analysis of each claim. Therefore, the petition for writ of habeas corpus is **DENIED** without an evidentiary hearing.

(2) Further, as to the certificate of appealability, the certificate **SHALL ISSUE on claims one and eight**.

Although the outcome of counsel's representation is not reversible error under AEDPA, it was clearly inadequate. It was particularly inadequate given that this case began as a capital case, and that Rodney Collins faces a lifetime of incarceration.

In claim one, Petitioner alleges that he was deprived of his Sixth Amendment right to effective assistance of counsel because his attorney inadequately prepared for trial and completely failed to conduct any investigation, including into the ballistics evidence. This was a very close issue. In addition, in claim eight, Petitioner seeks relief based on the cumulative prejudice resulting from various errors asserted in his petition. On claims one and eight, Petitioner has made “a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c). Therefore, a certificate of appealability **SHALL ISSUE for claims one and eight.**


ANITA B. BRODY, J.

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